

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

IN RE: PROFEMUR HIP IMPLANT)	MDL No. 2949
PRODUCTS LIABILITY LITIGATION)	4:20-md-2949 KGB
)	
)	This Document Relates To:
)	4:20-cv-01061-KGB

ORDER SUGGESTING REMAND

Before the Court is plaintiff Norman Mierke’s unopposed motion for remand which the Court will treat as a motion for suggestion of remand (Dkt. No. 29). Defendant Wright Medical Technology, Inc., does not oppose the motion. For the reasons stated below, the Court grants the motion and suggests remand of this case to the transferor court.

I. Background

The Judicial Panel on Multidistrict Litigation (“JPML”) has transferred to this Court for centralized pretrial proceedings actions that concern alleged defects in the Wright Medical and MicroPort Profemur line of modular hip implants, which were offered in titanium and cobalt chromium alloys (the “MDL”). Mr. Mierke’s case was among those transferred to the MDL pursuant to the JPML’s conditional transfer order (CTO-2) dated September 2, 2020, from the United States District Court for the Middle District of Florida, Orlando, Division (Dkt. No. 13).

II. Suggestion Of Remand

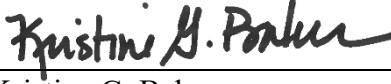
Mr. Mierke states that his case was transferred because, at the time, the parties believed it was related to the MDL (Dkt. No. 29, at 1-2). Mr. Mierke states, however, that his medical records do not support the criteria for inclusion of his case in the MDL as set forth in the Court’s case management Order No. 1 (Dkt. No. 27). Mr. Mierke requests that the Court suggest that the JPML remand his case back to the United States District Court for the Middle District of Florida, Orlando,

Division (Dkt. No. 29). Mr. Mierke states that counsel for defendant Wright Medical Technology, Inc., has reviewed this motion and his pertinent medical records and has no objection to the JPML remanding this case to the transferor court (*Id.*, at 3).

III. Conclusion

Based on the foregoing reasons and pursuant to Rule 10.1(b)(i) of the Rules of the Judicial Panel on Multidistrict Litigation, the Court grants Mr. Mierke's motion for suggestion of remand and suggests that the JPML remand *Mierke v. Wright Medical Technology, Inc.*, Case No.4:20-cv-01061, to the United States District Court, Middle District of Florida, Orlando Division for all further proceedings (*Id.*). The Clerk of the Court is directed to provide copies of this Order to the Clerk of the JPML and the clerks of the transferor district court.

So ordered this 6th day of August, 2021.



Kristine G. Baker
United States District Judge